# REMARKS

Claims 4, 8, 9, 18, 19 and 22 have been canceled. Claims 1, 20, and 21 have been amended to clarify the subject matter regarded as the invention. Claims 1-3, 5-7, 9-17, and 20-21 are pending.

The Examiner has rejected claims 1-3, 5-7, 9-17, and 20-21 under 35 USC 103(a) as being unpatentable over Gupta in view of Stellenberg.

The rejection is respectfully traversed. With respect to claims 1, 20, and 21, each has been amended to recite concluding "based at least in part on a determination that the pattern matching data matches the pattern that a network traffic with which the pattern matching data is associated is associated with an application protocol with which the pattern is associated." Gupta teaches comparing network traffic to an attack signature to determine whether the traffic is associated with a corresponding attack. Paragraph [0084]. The protocol must already be known and/or determined by other means before such analysis can be performed. Stellenberg likewise describes comparing network traffic to patterns associated with attacks. Col. 4, lines 7-35; col. 19, lines 20-47. Stellenberg teaches use of a "class identifier function 120" to determine an application protocol with which traffic is associated. Col. 17, line 63 – col. 18, line 57. The class identifier function is described as analyzing "the header of each packet," "the nature of the sequence of packets within the passing stream," and examining the stream itself in ways not specified to determine the application protocol. Col. 17, line 66 – col. 18, line 21. Using pattern matching to determine if network traffic matches and attack signature and determining an application protocol based on an analysis of packet headers, the "nature" of a sequence of packets, and unspecified analysis of a packet "stream" are not the same as concluding "based at least in part on a determination that the pattern matching data matches the pattern that a network traffic with which the pattern matching data is associated is associated with an application protocol with which the pattern is associated," as recited in claims 1, 20, and 21. As such, claims 1, 20, and 21 are believed to be allowable.

Claims 2, 3, 5-7, and 10-17 depend from claim 1 and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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